

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 L-03 SEC-01 TRSE-00 JUSE-00 SS-15 SP-02
NSC-05 PRS-01 CIAE-00 INR-07 NSAE-00 /045 W
-----270417Z 055314 /73
R 261855Z JAN 77
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC 6279
INFO AMEMBASSY MEXICO
AMEMBASSY NASAU

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E.O. 11652: N/A
TAGS: PGOV, PINT, CS
SUBJECT: IRS INTEREST IN TESTIMONY FROM VESCO ACCOMPLICES

REF: STATE 11781

1. EMBASSY OF VIEW THAT LARGER AND LONG-RANGE USG INTERESTS
IN VESCO CASE HERE ARE BEST SERVED BY CARRYING OUT ALL USG
ACTIVITIES IN COSTA RICA THROUGH APPROPRIATE REPRESENTATIVE
OF USG IN COSTA RICA - THE EMBASSY.

AS DEPARTMENT AWARE, VESCO AND ASSOCIATES REGULARLY ATTEMPT
TO POISON LOCAL POLITICAL ATMOSPHERE AGAINST US BY LEVYING
CHARGES OF USG "POLITICAL PERSECUTION" BECAUSE OF
OUTSTANDING CIVIL AND CRIMINAL CHARGES AGAINST THEM. EMBASSY
AND EMBASSY PERSONNEL ARE REGULARLY
DEPICTED BY THESE PEOPLE AS AGENTS OF SUCH "PERSECUTION."
ACCEPTANCE BY A USG ENTITY SUCH AS IRS OF VESCO ACCOMPLICES'
STIPULATION TO DEPOSE IN COSTA RICA ONLY AWAY FROM EMBASSY
AND WITHOUT PRESENCE OF LOCAL CONSULAR OFFICIAL WOULD LEND
CREDENCE TO THESE CHARGES. IT WOULD ALSO Demean THIS
EMBASSY. FINALLY, IT WOULD SET AN UNDESIRABLE
PRECEDENCE FOR FUTURE DEPOSITION TAKINJZNO OTHER
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VESCO-RELATED MATTERS IN COSTA RICA.

2. EMBASSY WONDERS WHY WITNESSES OBJECT TO GIVING
DEPOSITION AT EMBASSY. EMBASSY RECALLS THAT IN A
PREVIOUS REQUEST OF THIS NATURE BY VESCO ASSOCIATES
(SEPTEMBER, 1976), THEY REQUESTED THAT DEPOSITION BE
TAKEN "AT A NEUTRAL SITE IN COSTA RICA" AND NOT AT

AMEMBASSY (SEC VS. VESCO ET. AL., 72 CIV 5001, US DISTRICT COURT OF SOUTHERN DISTRICT OF NEW YORK). AT THAT TIME US DISTRICT JUDGE STEWART REJECTED OBJECTIONS OF DEFENDANTS

MILTON MEISSNER AND STANLEY GRAZE THAT A) DEPOSITION IN US EMBASSY WOULD BE OPPRESSIVE BECAUSE IT IS MERELY A "BRANCH OFFICE FOR THE PLAINTIFF'S ATTORNEY" AND B) THAT DEFENDANTS WOULD BE SUBJECT TO ARREST OR ABDUCTION AT THE EMBASSY. IN JSAGE STEWART'S SEPTEMBER 24, 1976 MEMORANDUM, HE REJECTED "BRANCH OFFICE" ARGUMENT "IN LIGHT OF THE BROAD PURPOSES AND FUNCTIONS OF AN EMBASSY ABROAD." THE JUDGE ALSO REJECTED ARREST/ABDUCTION - AT-EMBASSY ARGUMENT ON BASIS OF A LETTER FROM OFFICE OF LEGAL ADVISER OF STATE DEPARTMENT (DATED SEPTEMBER 21, 1976) WHICH STATED THAT DEFENDANTS COULD NOT BE ARRESTED ON EMBASSY GROUNDS. COURT FURTHER FOUND THAT IN GIVING DEPOSITION IN EMBASSY, "DEFENDANTS WILL NOT BE SUBJECT TO '...ANNOYANCE, EMBARRASSMENT, OPPRESSION, OR UNDUE EXPENSE OF BURDEN...' AS LONG AS THEIR FREEDOM AND SAFETY ARE NOT INTERFERED WITH IN ANY WAY DURING THE PROCEEDINGS." IN THIS CASE, USG GAVE ASSURANCES THAT FREEDOM OF TWO DEFENDANTS TO ENTER OR LEAVE US EMBASSY DURING COURSE OF DIPOSITIONS WOULD NOT BE INTERFERED WITH IN ANY RESPECT. IN IRS DEPOSITION EMBASSY PREPARED TO GIVE SAME ASSURANCES.

3. EMBASSY WOULD ALSO NOTE THAT WHETHER DEPOSITION TAKEN IN EMBASSY OR NOT, FOREIGN MINISTRY WOULD HAVE TO BE DULY INFORMED, AND GOCR APPROVAL GRANTED IN ADVANCE LIMITED OFFICIAL USE

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TO PERMIT US COURT OFFICIALS TO CARRY OUT ORDER OF THE COURT. IRS ATTORNEYS ARE REQUESTED NOT TO INITIATE TRAVEL BEFORE GOCR APPROVAL GRANTED AND COMMUNICATED TO DEPARTMENT BY EMBASSY. (EMBA WY UNDERSTANDS THAT IRS NOW INTERESTED IN TAKING DEPOSITION IN LATE FEB.)

4. IN SUM, EMBASSY OF VIEW THAT PURPOSE OF VESCO AC-COMPLICES IN DEMANDING THAT DEPOSITION BE TAKEN AWAY FROM EMBASSY AND WITHOUT PRESENCE OF US CONSULAR OFFICIALS IS POLITICAL. SINCE ALL VESCO-RELATED ACTIVITY BY AGENCIES OF THE USG IS POLITICALLY SENSITIVE IN COSTA RICA, WE CAN BE SURE THAT IRS DEPOSITION WILL BE WIDELY PUBLICIZED - AND SPECULATED UPON. IF DEMANDS OF VESCO ACCOMPLICES ARE HONORED, THEIR CLAIM OF BEING "POLITICALLY PERSECUTED" BY THE USG WILL BE ENHANCED. THERE IS NO REASON WHY THE DEFENDANTS CANNOT DEPOSE FREELY IN EMBASSY IN PRESENCE OF CONSULAR OFFICER - WITH ALL THE GUARANTEES THAT DEFENDANTS MEISSNER AND GRAZE

WERE OFFERED IN THE SEC DEPOSITION OF SEPTEMBER 29,
1976.

5. AMBASSADOR TODMAN APPROVED SUBSTANCE THIS MESSAGE
PRIOR TO DEPARTURE.
KILDAY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AFFIDAVITS
Control Number: n/a
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Sent Date: 26-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770029-0167
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From: SAN JOSE
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TAGS: PGOV, PINT, CS, IRS-2, (VESCO, ROBERT L)
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